

MISSOURI DEPARTMENT OF
HEALTH AND SENIOR SERVICES

FAMILY CARE SAFETY REGISTRY
ANNUAL REPORT
FISCAL YEAR 2021



FAMILY CARE SAFETY REGISTRY

Annual Report – FY 2021

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INTRODUCTION

Many employers of caregivers are required to obtain background screening information for licensure, regulatory or contracting purposes. Employers, such as child care centers and nursing homes, often have difficulty recruiting and maintaining skilled staff, as well as delays in obtaining background screening. This result affects their ability to assess the suitability of job applicants for hiring and staff retention. Similarly, families can be faced with difficult decisions when hiring someone to help care for a child, elderly or disabled person, whether it is locating a child care provider or finding a caregiver to provide services in their home. The caregiver often has unsupervised access to these vulnerable family members. The family may have limited time to form an opinion about the suitability of a caregiver and may have little or no opportunity to make inquiries into their background. Several state agencies collect information that can assist the employer or family with making a hiring decision. However, it can take anywhere from several days to several weeks to request and receive background screening information from separate agencies. In response to these needs, the Family Care Safety Registry (FCSR) was created.

The Missouri Department of Health and Senior Services, in coordination with the Departments of Public Safety, Social Services and Mental Health, established the FCSR in January 2001 in accordance with the Family Care Safety Act (§210.900 *et seq.*, RSMo). The FCSR serves as a central resource for background screening information maintained by the Missouri State Highway Patrol (MSHP), Department of Social Services (DSS), Department of Mental Health (DMH), Department of Elementary and Secondary Education (DESE) and the Department of Health and Senior Services (DHSS). Those wishing to hire a caregiver may obtain background information by contacting the FCSR via the toll-free call center (866-422-6872) or the internet (<http://health.mo.gov/safety/fcsr/>). Background information reported by the FCSR includes name-based (open) Missouri criminal records, the Missouri sex offender registry, substantiated reports of child abuse and neglect, the DHSS Employee Disqualification List, the DMH Employee Disqualification Registry, and child care and foster parent license denials, revocations and suspensions.

The FCSR utilizes an internet-based interface to streamline the process of obtaining background information from the various state agencies. Employers may apply for a user ID and password in order to request background screening information via the internet, and all employers may elect to receive results electronically. In addition, the FCSR's toll-free call center allows callers to receive immediate responses to background screening inquiries, as often as needed, at no cost. The call center is available 8 a.m. to 3 p.m. Monday through Friday.

FCSR OPERATIONS

The FCSR maintains a database of caregivers who are required by law to register within 15 days of hire. The caregiver's demographic information, including name, address, social security number and date of birth, is entered into the internet-based FCSR Background Screening and Employment Eligibility System (FCSR-BSEES). As part of the registration process, a background screening is conducted using an electronic interface to search criminal history, the sex offender registry, the child abuse/neglect registry, the DHSS Employee Disqualification List, the DMH Employee Disqualification Registry, and child care and foster parent licensure information. The result of the background screening reflects real-time information from these electronic files. A registration notification provides the caregiver with initial background screening results.

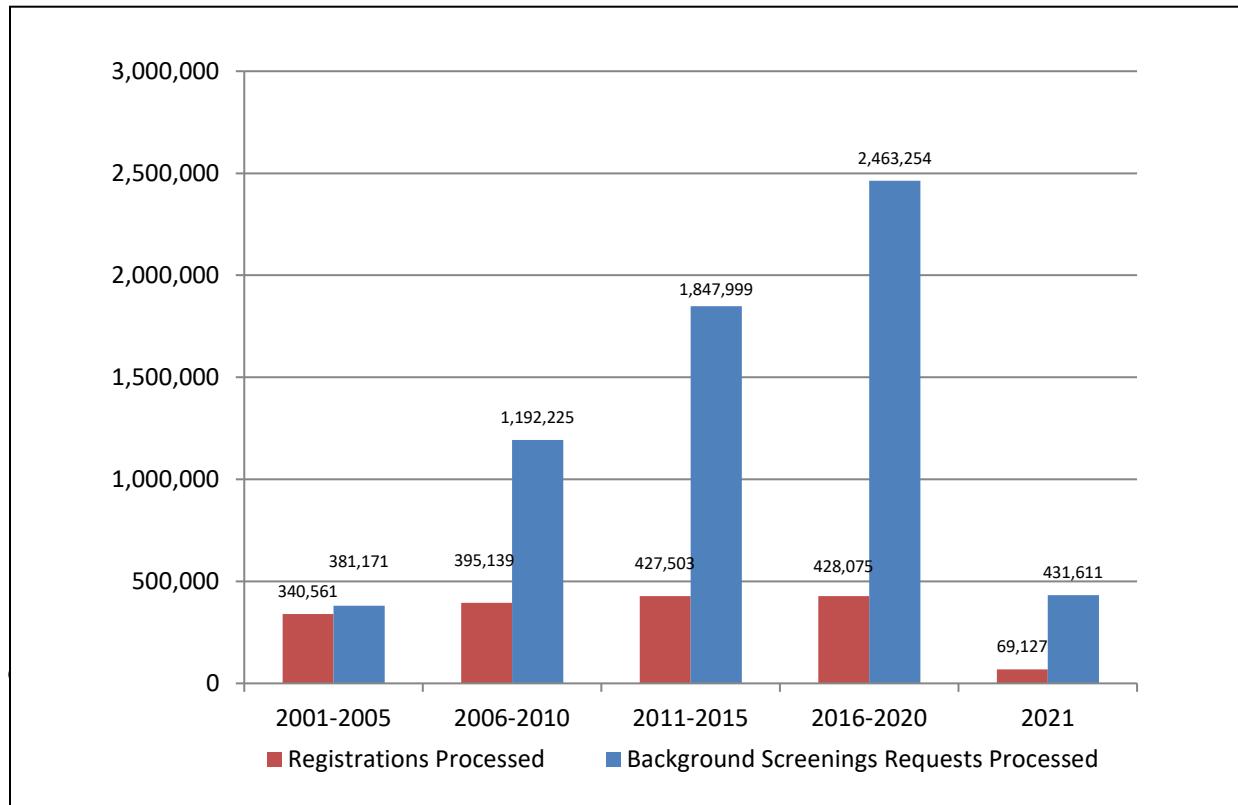
After registration is complete, employers (including individuals wishing to hire a caregiver for a family member) may contact the FCSR via the toll-free call center, internet, facsimile or mail to obtain a background screening on registered caregivers at no cost to the requester. A current background screening is obtained using the computerized interface each time a request is received. This means if information is added or deleted from the electronic files by an interfaced agency (DHSS, DESE, DMH, DSS, MSHP), the addition or deletion will be reflected in the results reported. Written notification of the background screening results is sent to both the requester and the caregiver, both of whom may elect to receive results electronically. The caregiver's notification includes the name and address of the inquiring employer.

The FCSR is a request-driven system, meaning that information is provided to employers only when they contact the FCSR. The FCSR is not authorized to initiate contact with employers or regulatory agencies to alert them of a change in the background of an individual or to enforce registration or background screening requirements.

From Jan. 1, 2001 to June 30, 2021, the FCSR processed 1,653,539 caregiver registrations and conducted 6,312,979 background screenings. During the first 21 years of operations, the FCSR processed a dramatically increasing number of background screenings, and an increasing but somewhat steady number of registrations, as shown in the **FCSR Activity** graph at the top of page 3. During FY 2021, demand for FCSR services decreased somewhat due to the COVID-19 public health emergency and associated decreases in hiring activity amongst providers. However, a marked increase in demand for FCSR services is expected during FY 2022, as the public health emergency becomes less of an influence on hiring activity, and due to the closure of the Background Screening Investigation Unit (BSIU) at the Department of Social Services – Children's Division (DSS-CD) on July 1, 2021. Closure of the BSIU could result in as many as 100,000 new screenings annually, along with a large increase in registrations and call center contacts.

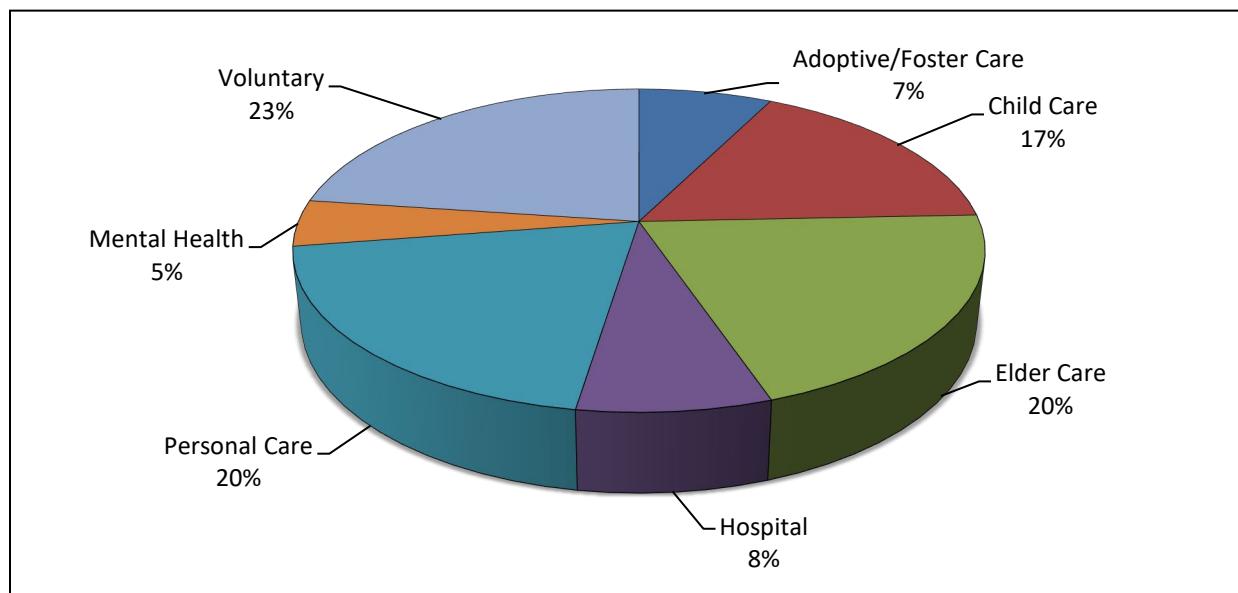
FCSR Activity – Registrations and Background Screenings

FY 2001 – FY 2021



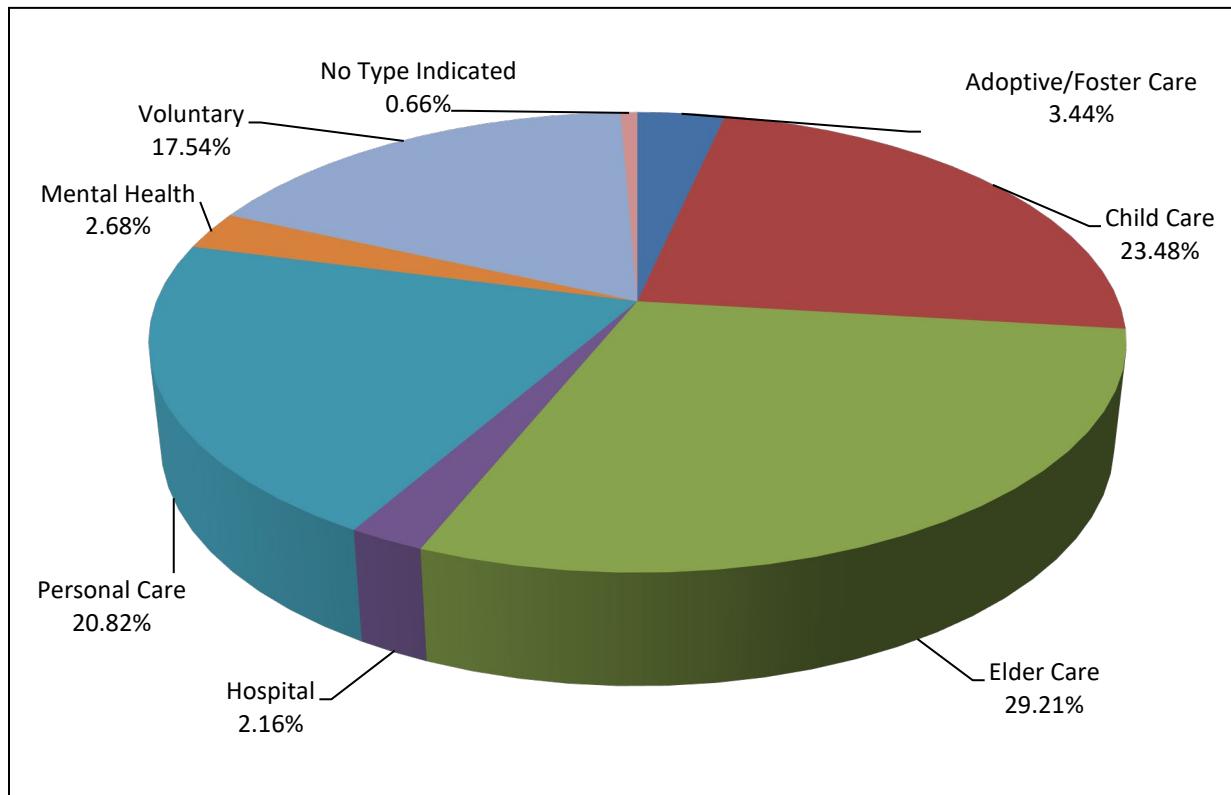
Registrations by Caregiver Occupation

FY 2021



FCSR Background Screening Requests by Caregiver Occupation

FY 2021



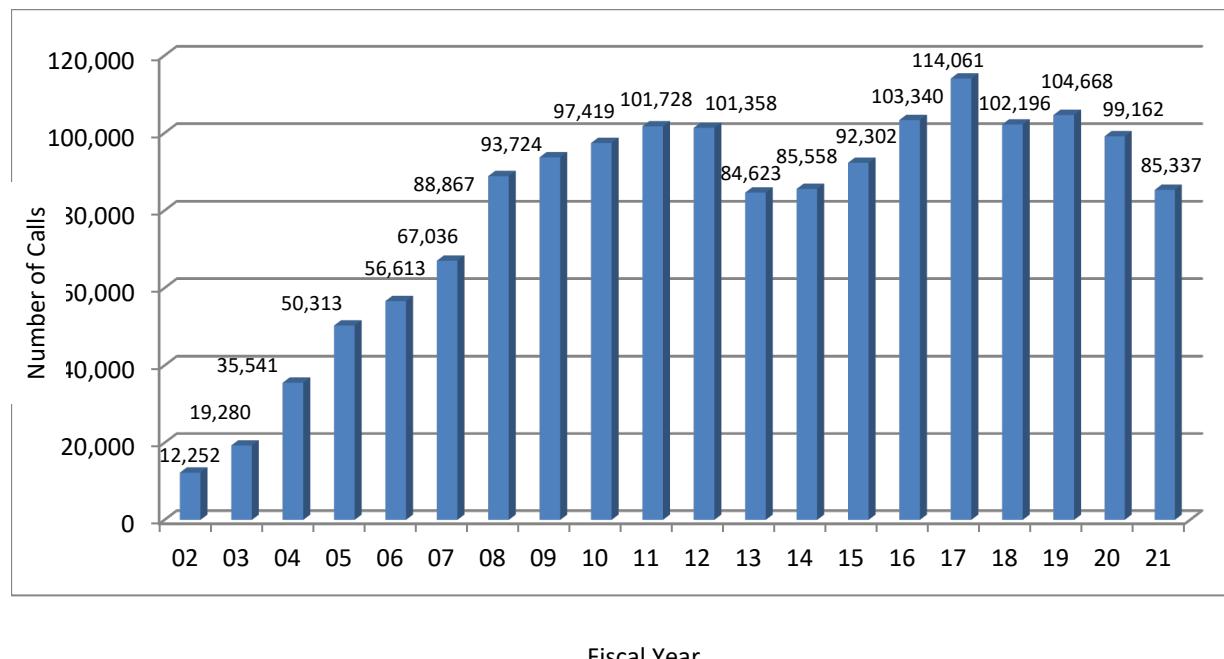
TOLL-FREE CALL CENTER

As required by §210.903, RSMo, the FCSR operates a toll-free call center (866-422-6872), so that organizations or families seeking to employ caregiver(s) may request and obtain background screening results over the telephone. When the FCSR is fully staffed, 16 operators (totaling 15 FTEs) assist callers by providing background screening results, explaining the results and identifying and assisting the caller with other resources. In addition to the background screening requests received by internet, mail and facsimile, the FCSR received 85,337 calls on the toll-free access line in FY 2021. The chart below shows the number of contacts with the toll-free call center since such data became available in FY 2002.

Although the number of call center contacts decreased from FY 2020 to FY 2021, a large increase in these calls is expected in FY 2022 due to the COVID-19 public health emergency becoming less of an influence on care giver hiring activity, and due to the closure of the BSIU in the DSS-CD.

Toll-Free Call Center Activity

FY 2002 – FY 2021

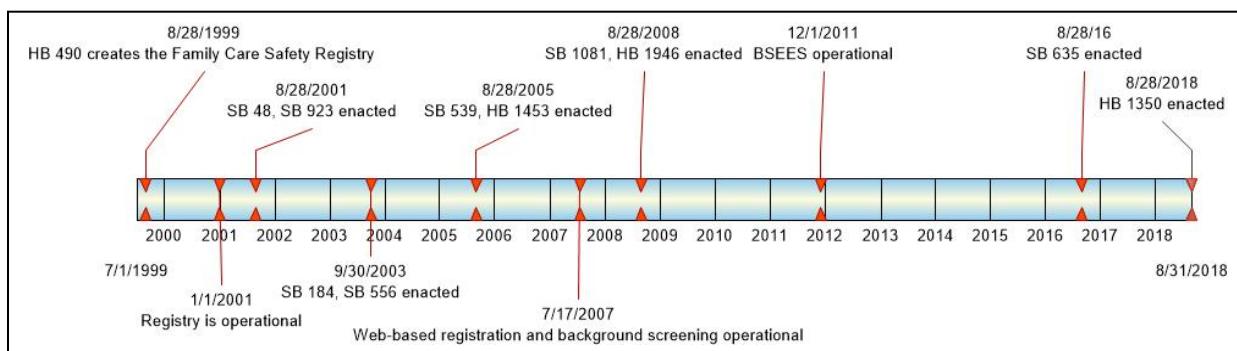


LEGISLATIVE AND OPERATIONAL ENHANCEMENTS

In FY 2008, the FCSR implemented an internet-based application designed to allow individuals to register online and pay with a debit or credit card. The Web Registration project was developed in collaboration with the Office of Administration—Information Technology Services Division (ITSD) and implemented July 17, 2007. Today, 96 percent of new registration requests currently arrive via the internet, which has resulted in improved customer service. Also in 2007, the FCSR began accepting background screening requests via the internet, with nearly 88 percent of such requests now received in this manner. Web-based background screening is available to providers (employers) who are eligible to utilize the FCSR. The benefits of receiving background screening requests via the web have been similar to those of receiving registrations online.

A major technology project implemented in 2011 and 2012, known as the FCSR-Background Screening and Employment Eligibility System (BSEES), modernized the registration and background screening functions by rolling several separate web-based and obsolete mainframe systems into one comprehensive, web-based background screening system. BSEES is used by the public for registration purposes, by employers for background screening and Good Cause Waiver confirmation requests, and by FCSR team members for registration, background screening, Good Cause Waiver and appeal functions. In October 2010, the DHSS Division of Regulation and Licensure (DRL) was awarded a grant through the U.S. Department of Health and Human Services—Centers for Medicare and Medicaid Services (CMS), which required enhanced automation, greater speed, exploration of a more intensive background screening process, and a more robust linkage with the MSHP—Criminal Justice Information Services Division. The grant, entitled “Nationwide Program for National and State Background Checks for Direct Patient Access Employees of Long-term Care Facilities and Providers,” that was partially used to fund the development of BSEES, ended Sept. 30, 2016. Ongoing maintenance and enhancements keep the BSEES system in working order.

Legislation has also changed FCSR responsibilities over the years. The timeline below illustrates the legislative and operational milestones affecting the FCSR since its inception.



CHALLENGES AND RECOMMENDATIONS

With the ongoing goal of protecting vulnerable children, seniors, and disabled individuals in care, the FCSR continues to explore ways to improve and expand the services it provides. The following challenge descriptions and statutory recommendations resulted from input by Department colleagues, employers, providers, other state agencies and CMS.

CHALLENGE: Background screening does not reflect complete criminal history.

The possibility exists for a person disqualified for employment in one state to move to another state and seek similar employment, with providers in the new state being unaware of the disqualifying background finding(s). Missouri borders eight states, compounding this possibility. In fact, several of the bordering states, including Oklahoma, Kentucky, Kansas and Illinois, currently require a nationwide, fingerprint-based criminal history for long-term caregivers. Many employers, licensure agencies and individual citizens believe there is an elevated risk for harm to occur to vulnerable individuals in care, if the background screening does not reflect an individual's complete criminal history. House Bill 1350, which became effective Aug. 28, 2018, requires child care workers to submit to a nationwide, fingerprint-based criminal history check. It is therefore possible that a worker disqualified from child care due to a criminal finding in another state could go to a nearby long time care facility or agency and obtain employment with no Missouri statutory disqualification.

RECOMMENDATION

FCSR recommends amending section 192.2495, RSMo to require long-term care, personal care and mental health care employers, regulated by or contracted with various state agencies or who receive state or federal reimbursement for long-term, personal or mental health care services, to ensure that direct-access employees, hired on or after the legislated effective date, obtain a fingerprint-based state and federal criminal history check and are eligible for employment. Monitoring for compliance with the requirement would be incorporated into the inspection protocols currently in place in the DHSS, DSS and DMH.

CHALLENGE: Postage costs remain high as the availability of general revenue funding remains scarce.

Current statute requires the FCSR to provide background screening results in writing to registrants. It does not require that registrants provide an email address for the purpose of these notifications, resulting in unnecessary use of ink, paper and postage. Although the FCSR has made significant strides in reducing postage expenses by encouraging providers and registrants to receive notifications electronically, fiscal year 2021 postage expenses amounted to \$59,947.87, with \$15,129.83 coming from the general revenue portion of the DHSS/DRL equipment and expense appropriation.

RECOMMENDATION

FCSR recommends amending section 210.909, RSMo to require registrants to submit a valid email address to the FCSR. We recommend that the amendment stipulate that notifications to registrants be electronic. We further recommend that while the amendment should allow for registrations and background screenings to be processed without an email address, it should also no longer require registration or background screening notifications to be sent in hard copy via mail.